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ABSTRACT

Jefferson County, Kentucky youth detention practices were studied after alleged incidents of physical and sexual abuse. For many years juvenile detention practices had been the subject of local controversy. Strict, objective, and specific criteria for detention were implemented on a trial basis. These criteria described specific crimes or conditions under which a youth was to be detained. Additionally, social workers (N=33) responsible for direct service in alternative programs were interviewed about their programs to determine their effectiveness. This study sought to determine whether implementation of the criteria was a safe and effective method of reducing secure pretrial detention by asking first, whether more youths were arrested again after implementation than before implementation, and secondly, whether more youths failed to appear for trial after implementation than before implementation. Youths (N=425) referred to the detention center before implementation and youths (N=380) referred after implementation were studied. Findings showed that, following implementation, detention was reduced significantly without a significant threat to the community. Numbers of youths detained were reduced by 50% with an insignificant increase in repeat arrests and only a 4% increase in failure to appear for court date. Recommendations included changing from "mandatory hold" to "mandatory release" guidelines, use of a detention screening form, and continued support for alternative programs. (ABL)

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A COMMUNITY RESPONSE TO A CRISIS

THE EFFECTIVE USE OF DETENTION AND ALTERNATIVES TO DETENTION IN JEFFERSON COUNTY, KENTUCKY

Prepared for

The Office of Juvenile Justice
and Delinquency Prevention

U.S. Department of Justice

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December, 1983

INTRODUCTION

This study of the use of juvenile detention, and alternatives to detention in Jefferson County, resulted from the long-standing, often articulated concerns of the Jefferson County Commission of Juvenile Justice Services (Juvenile Justice Commission), and the Kentucky Youth Advocates (KYA), Inc.

In March, 1979, Kentucky Youth Advocates began working with the Jefferson County Commission on Juvenile Justice and Services to reduce the rate of detention in the Jefferson County Diagnostic and Detention Center. After several incidents of physical and sexual abuse allegedly occurred at the Center during the late spring and summer of 1979, considerable media attention was focused on the use of detention. KYA and the Juvenile Justice Commission were able then to raise $4,000 to conduct special studies, for the Commission, of youth detention practices in Jefferson County. Technical assistance and computer analysis for the study was provided by the Community Research Center of the University of Illinois.

PROBLEM

By 1979, juvenile detention practices in Jefferson County, Kentucky had been the subject of local controversy for many years. As early as 1972, a study conducted by the Louisville Metropolitan Social Services Department found that only 15 percent of juveniles held in secure detention were charged with a "dangerous offense." In 1974, the Jefferson County Commission on Juvenile Justice and Services also found the use of juvenile detention was excessive. In 1977, a study by the National Clearinghouse for Criminal Justice Planning and Architecture found that the juvenile detention population in Jefferson County could be drastically reduced by the use of nonsecure alternatives to detention. Each report recommended that strict detention criteria be used to reduced unnecessary detention.

In order to reduce the rate of detention at the Jefferson County Juvenile Detention Center, it was decided that the County would implement strict, objective and specific detention criteria. These criteria would differentiate youths to be held in secure detention from those to be released to a nonsecure setting.

The newly implemented criteria restricted the use of secure detention to youths falling into at least one of the following categories:

1. Youths who are charged with Class A and B felonies, except for Burglary I. These felonies are:

Murder
Manslaughter I
Assault I
Kidnapping
Rape I
Sodomy I
Arson I
Robbery I

2. Youths who are charged with second felony (or more) within the previous 60 days.

3. Youths with an outstanding Bench Warrant.

4. Youths who are charged with Escape, any degree.

5. Youths ordered remanded by Court/Judge.

6. Youths from out-of-county charged with felonies.

7. Youths who are charged with their second (or more) offense, either felony or misdemeanor, within the previous 45 days--THIS DOES NOT APPLY TO VIOLATIONS* OR STATUS OFFENSES.

To alleviate fears for community safety and the court process, it was decided to implement the criteria on a trial basis, and for the effects of that implementation to be evaluated.

In addition, KYA staff conducted interviews with 32 randomly selected social workers responsible for providing direct services in the various alternative programs operating in Jefferson County. The social workers were asked to respond to an interview schedule devised by KYA to ascertain whether their programs had specific, objective intake criteria for placing youths in alternatives to detention, and whether these were gaps in the alternative services provided in Jefferson County. The objective of this research was to determine the effectiveness of various alternative programs in Jefferson County.

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*Violations are offenses punishable by fine only.

Objectives of the Secure Detention Criteria Study

The objectives of this research were to determine the characteristics of youths detained in Jefferson County, and to determine whether the implementation of specific detention criteria was a safe and effective method of reducing secure pretrial detention.

Since the primary purposes of detention are to insure public safety and a youth's appearance in court, the study asked two questions:

1. Prior to trial, are more youths rearrested after implementation of criteria?

2. Do more youths fail to appear for trial after implementation?

Methodology of the Secure Detention Criteria Study

Youths referred to intake at the Jefferson County Diagnostic and Detention Center, specifically 425 youths referred to intake there in March, 1979 (prior to implementation of specific detention criteria), and 380 youths referred in September (after the implementation of specific criteria), were studied.

Data on these 805 youths were collected by part-time workers hired by KYA to complete extensive questionnaires. The data were taken from court and Detention Center records to determine the criteria used to make detention decisions.

Data were also collected to determine:

1. The number of youths detained in excess of 12 hours;

2. The number of youths rearrested within 80 days of release to a nonsecure setting;

3. The number of youths who failed to appear in court within 80 days of release to a nonsecure setting.

All the questionnaires were forwarded to the Community Research Center for computer analysis. CRC interpreted the computer findings for Kentucky Youth Advocates, and presented findings concerning the effects of implementing secure detention criteria.

Findings

The results of the studies of the effects of implementing secure detention criteria, and alternatives to detention (ATD) in Jefferson County, indicate that the policy changes instituted by the Department of Human Services, and the Juvenile Court Judges in the fall of 1979, have significantly reduced detention in Jefferson County without causing a significant threat to the community. Findings from the study of the effects of implementing strict intake criteria reveal:

1. In March of 1979, 48.2 percent of all youths referred to the Detention Center intake office were detained more than 12 hours. In September of 1979, only 23.4 percent of the youths referred to the Detention Center intake office were detained more than 12 hours. The number of youths detained in September represents a more than 50 percent reduction in the rate of detention. (See Table I.)

TABLE I

DETENTION RATES--MARCH AND SEPTEMBER, 1979

	March		September	
	Number	Percent*	Number	Percent*
Youths held in excess of 12 hours	205	48.2	89	23.4

2. The characteristics of the youths referred to the Detention Center intake office during March and September were similar. The reduction in the number of youths detained is not due to their committing less serious crimes in September. (For example, in March, 28 percent of the juveniles referred to intake were charged with felony offenses. In September, 34 percent of the youths referred to intake were charged with felony offenses.) Table II below shows that the percentage of youths eligible for secure detention under the newly implemented criteria did not change dramatically from March to September. The difference in the percentage of "eligible" youths, 4.4 percent, was not statistically significant.

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*"Percent" is the proportion of all youths referred to intake in that month who were held longer than 12 hours.

TABLE II

DETENTION ELIGIBILITY--MARCH AND SEPTEMBER, 1979

	March		September	
	Number	Percent*	Number	Percent*
Youths eligible for detention under new criteria	163	38.4	129	34.0

3. Even though half as many youths were detained in September, the number of youths who were rearrested for new offenses within 80 days of release to a nonsecure setting, did not increase significantly. As Table III indicates, in March, 9.6 percent of the youths were rearrested for new offenses while an offense was pending; while in September, the rate was 10.0 percent.

TABLE III

YOUTHS REARRESTED WITHIN 80 DAYS OF RELEASE TO NONSECURE PLACEMENT--MARCH AND SEPTEMBER, 1979

	March		September	
	Number	Percent	Number	Percent
Total rearrests	41	9.6	38	10.0
Felony arrests	20	4.7	15	3.9

4. The number of youths who failed to appear for subsequent court dates increased from 4.7 percent in March to 8.7 percent in September. (See Table IV.) Although this increase is statistically significant, of the 33 failures-to-appear in September, only 8 had been charged with felony offenses. By February, 1980, all but one of the youths who failed to appear were located and adjudicated.

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*"Percent" is the proportion of all youths referred to intake in that month who were eligible for detention under the new criteria.

TABLE IV

FAILURE TO APPEAR IN COURT--
MARCH AND SEPTEMBER, 1979

	March		September	
	Number	Percent	Number	Percent
Youths failing to appear for court date within 80 days of release to non-secure setting	20	4.7	33	8.7

Findings from the research on alternatives to detention programs indicated:

1. These programs have begun to serve the difficult, acting-out status offenders, and public offenders who were detained regularly, prior to policy changes initiated by DHS in the summer of 1979. Probably the most significant change in the alternatives to detention program is that social workers are on duty 24 hours a day to make placement decisions.

2. Remaining problems in the alternatives programs include refining intake criteria, so that the staffs of each program are clear about the "types" of youths whom they are expected to serve. There is also a pressing need for alternatives services for youths requiring psychiatric evaluation, and those in need of detoxification services.

Recommendations for Jefferson County Government and District Court Judges

In view of the dramatic reduction in Jefferson County during September, 1979, and to insure that the Jefferson County system of detention and alternatives to detention would continue to be used appropriately, the following recommendations were submitted for review and consideration:

1. The staff of the Detention Center currently have "mandatory hold" guidelines indicating which youths must be held in the Center. These guidelines should become "mandatory release" guidelines. In other words, any youth who does not meet the mandatory hold guidelines must be released, or a detailed explanation of the reasons that he is being detained provided in writing.

2. A "detention screening form" should be filled out for each child referred to intake. A similar form should be completed by judges

who remand youths to the Detention Center. These forms would serve as justification for the detention of each youth placed in the Center.

3. The detention screening forms should be filed in an appropriate place at the Detention Center, and should be reviewed by the Jefferson County Commission on Juvenile Justice Services, and officials of the Department for Human Services, to insure operation of the pretrial placement system.

4. Specific, objective intake criteria, which limit the population of the Detention Center, will not be effective unless alternatives are available for youths who cannot or should not be placed back in their homes. The Jefferson County Commission on Juvenile Justice and Services can play a crucial role by participating in the inevitable budget struggle for Jefferson County Government funds.

5. Intensive staff supervision coupled with daily activities have enabled Phoenix House of Jefferson County to serve the difficult status offenders who were previously held in secure detention. Many staff workers in the alternative programs expressed the desire for another Phoenix House in Jefferson County. In the unlikely event of the availability of more money, development of another "Phoenix House type" program to serve difficult, acting-out status offenders should be considered. Since taking Phoenix House residents to outside activities is such a crucial part of the program's success, a van and case aide to facilitate transportation should be considered.

6. The workers who provide direct services to youths in the alternatives program sometimes feel isolated. Communication between assessment workers and staff working with the youths during their adjudication should be encouraged by each party. Assessment workers should add "ATD or Detention Center direct service worker" to the list of people they will contact prior to completion of the dispositional investigation. The development of a checklist for use by assessment workers will certainly serve as a reminder to contact those professionals familiar with a child's status.

CONCLUSIONS

The Jefferson County Government, the Department for Human Services, and the District Court Judges in Jefferson County, have every right to feel proud of the improvements that have occurred since the summer of 1979. Both secure and nonsecure detention services provided to the troubled youths of Jefferson

County have improved dramatically. This study indicates that the concerted efforts of County officials, DHS staff, and the judges serving in Juvenile Court have led to a dramatic reduction in secure detention, and more effective use of the alternatives to detention programs. However, much work remains to be accomplished, with the key to continued success the adoption of the "detention screening form" and regular monitoring of the detention center population.